

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCELONE HUGHES

Debtor.

CITY OF FRESNO,

Garnishee.

Case No. 1:24-mc-00064-EPG

STIPULATION AND ORDER RE  
CONTINUING GARNISHMENT

(ECF No. 20).

Criminal Case No. 1:02-cr-05370-DAD-EPG

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1 The United States of America and Marcelone Hughes (collectively the Parties) hereby  
2 stipulate to the final resolution of the United States' pending continuing garnishment action as  
3 follows:

- 4 1. On May 1, 2024, the United States filed an Application for Writ of Continuing  
5 Garnishment of property located at garnishee City of Fresno, in which Marcelone Hughes  
6 has an interest. ECF No. 1. The Clerk of Court issued the requested writ on May 2, 2024.  
7 ECF No. 4.
- 8 2. The United States seeks to garnish 25% of Hughes's nonexempt disposable earnings to  
9 satisfy Hughes's outstanding restitution balance. Id.
- 10 3. The Parties have agreed to a resolution of this garnishment action. To effectuate their  
11 agreement, the Parties agree that the Court can and should enter an order as follows:
  - 12 A. That Garnishee City of Fresno should be ordered to turn over \$2,325 of the funds  
13 already garnished from Marcelone Hughes's earnings to the Clerk of the Court within  
14 14 days of approval of this stipulation, to be applied to Marcelone Hughes's  
15 outstanding restitution balance;
  - 16 B. That upon the United States confirming receipt of the \$2,325, it shall file a request to  
17 terminate the wage garnishment and serve the order on Garnishee City of Fresno.
  - 18 C. That upon receipt of the order terminating the garnishment, Garnishee City of Fresno,  
19 should discontinue withholding funds pursuant to the garnishment and release all  
20 remaining funds to Marcelone Hughes;
  - 21 D. That Marcelone Hughes will pay \$465 per month to the Clerk of the Court with the  
22 first payment due no later than November 1, 2024, and each subsequent payment due  
23 by the first of each month;
  - 24 E. That if Marcelone Hughes fails to make full and timely payments, Marcelone Hughes  
25 agrees that the United States can refile a new request for formal wage garnishment  
26 seeking 25% of his nonexempt disposable earnings;
  - 27 F. That any modifications to this agreement must be in writing and signed by Marcelone  
28 Hughes and the United States;
  - G. That each party shall bear their own costs; and

H. That the Court shall retain jurisdiction to resolve matters through ancillary proceedings in the case, if necessary.

FOR THE UNITED STATES:

Respectfully submitted,  
PHILLIP A. TALBERT  
United States Attorney

Dated: September 23, 2024

By: /s/Robin Tubesing  
ROBIN TUBESING  
Assistant United States Attorney

FOR THE DEBTOR:

Dated: September 23, 2024

/s/Marcelone Hughes  
MARCELONE HUGHES  
Debtor

**ORDER**

The Court, having reviewed the court files and the Parties' Stipulation re Garnishment (the Stipulation), and good cause appearing therefrom, hereby APPROVES the Stipulation. Accordingly, IT IS ORDERED that:

1. Garnishee City of Fresno is ordered to turn over \$2,325 from the funds withheld from Marcelone Hughes's earnings within 14 days of this order. Payment shall be made in the form of a check, money order, or company draft, made payable to the "Clerk of the Court," and delivered to:  

Office of the Clerk  
501 I St., Rm. 4-200  
Sacramento, CA 95814
- The criminal docket number (1:02-CR-05370) shall be stated on the payment instrument.
2. Upon the United States confirming receipt of the \$2,325, it shall file a request to terminate the wage garnishment and serve the order on Garnishee City of Fresno;
3. Upon receipt of the order terminating the garnishment, Garnishee City of Fresno shall discontinue withholding funds pursuant to the garnishment and release all remaining funds to Marcelone Hughes;
4. The United States may initiate a new writ of garnishment against Marcelone Hughes's wages seeking 25% of his nonexempt disposable earnings if he fails to make full and timely payments of \$465 per month, pursuant to the parties' agreement;
5. Each party shall bear their own costs;
6. The Court shall retain jurisdiction to resolve matters through ancillary proceedings in the case, if necessary;
7. The Clerk of Court is directed to serve a copy of this order on Garnishee City of Fresno.

IT IS SO ORDERED.

Dated: **September 28, 2024**

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE